

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(NORTHERN DIVISION)**

DOREEN HENRY

*

Plaintiff,

*

Case No.: 1:23-cv-01285-SAG

v.

*

TERRANCE HALL, *ET AL.*

*

Defendants.

*

* * * * * * * * * * * *

**PLAINTIFF’S MOTION FOR LEAVE TO AMEND COMPLAINT
TO ADD NECESSARY PARTY**

Plaintiff Doreen Henry (“Plaintiff” or “Ms. Henry”), by and through her undersigned counsel and pursuant to Federal Rule of Civil Procedure 15(a)(2) and L.R. 103.6, hereby files this Motion for Leave to Amend its Complaint to Add a Necessary Party and, in support, states as follows:

1. This action arises out of Defendants Terrance Hall’s (“Mr. Hall”) and Lisa Hall’s (“Mrs. Hall”) (collectively, “Defendants”) fraudulent conduct in falsely reporting to the Register of Wills and Orphans’ Court for Baltimore City, Maryland that Mr. Hall was the only son and heir of Elvira Hall (“Elvira”), the decedent, despite obviously knowing of his own two siblings (Plaintiff and Roger Kerr (“Mr. Kerr”)), both of whom were direct lineal descendants of Elvira. Mr. Hall submitted an Estate Petition with the assistance and encouragement of Mrs. Hall and, as a result, received the entire sum of Elvira’s Estate in the amount of \$170,225,83 on or about September 3, 2020, which he never thereafter disclosed to Plaintiff or to Mr. Kerr.

2. As a result of Defendants' misconduct, on or about May 16, 2023, Ms. Henry filed a five-count Complaint against Defendants alleging Count I: Fraud (Against All Defendants); Count II: Constructive Trust (Against All Defendants); Count III: Breach of Fiduciary Duty (Against Defendant Terrance Hall); Count IV: Civil Conspiracy (Against All Defendants); and Count V: Aiding and Abetting (Against Defendant Lisa Hall). ECF No. 1.

3. In the Complaint, Plaintiff has alleged damages in excess of \$75,000.00. The damages claimed are suffered by both Plaintiff and her sibling, Mr. Kerr, as neither Plaintiff nor Mr. Kerr received any portion from the Estate of Elvira due to Defendants' fraudulent representations, act, and omissions.

4. Thus, for the Court to fashion complete and proper relief concerning the funds wrongfully obtained and held by Defendant, Plaintiff requests that Mr. Kerr, a direct heir of Elvira and the sibling of Ms. Henry and Mr. Hall, be added as a party-Plaintiff in the above-captioned matter.

5. Pursuant to this Court's Scheduling Order dated April 22, 2024 (ECF No. 28), the Court did not set a deadline regarding the amendment of pleadings. Nevertheless, as this Court is well aware, "[t]he Court should freely give leave when justice so requires." FED. R. CIV. P. 15(a)(2).

6. Justice requires that Mr. Kerr be added as a party-Plaintiff to allow for complete relief concerning the funds wrongfully obtained and withheld by Defendants.

7. In anticipation of the filing of this motion, Plaintiff has attached the First Amended Complaint as **Exhibit 1**. Further, Plaintiff has attached a redlined version of the First Amended Complaint as **Exhibit 2**.

8. On or about April 2, 2024, Plaintiff requested the position of Defendants regarding the filing of this Motion. *See Exhibit 3* (Letter from V. Mina to T. Hall and L. Hall dated April 2, 2024). Thereafter, on or about April 9, 2024, in response to Plaintiff's correspondence, the undersigned communicated with the *pro se* Defendants pursuant to L.R. 103.6(d) via telephone call, who advised that they did not consent to the filing of this Motion.

9. No party will be prejudiced by the granting of this Motion as the requested relief remains the same and the causes of actions remain the same. Instead, Plaintiff will be prejudiced should this Motion not be granted to the extent that the funds from the Estate of Elvira, which remain in the wrongful possession of Defendants, are not fully returned to the Estate and subject to proper distribution amongst all of Elvira's heirs.

WHEREFORE, Plaintiff Doreen Henry, respectfully requests this Court grant this Motion, which permits Plaintiff to amend its Complaint to add a necessary party in this matter.

Date: May 16, 2024

/s/ Jonathan P. Kagan

Jonathan P. Kagan (D. Md. Bar No. 23181)
kagan@kaganstern.com

/s/ Veronica J. Mina

Veronica J. Mina (D. Md. Bar No. 30472)
mina@kaganstern.com

/s/ Michael J. Marinello

Michael J. Marinello (D. Md. Bar No. 18490)
marinello@kaganstern.com

KAGAN STERN MARINELLO & BEARD, LLC
238 West Street
Annapolis, Maryland 21401
Phone: (410) 216-7900
Facsimile: (410) 705-0836

Counsel for Plaintiff
Doreen Henry

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of May, 2024, a copy of the foregoing was electronically filed with the Clerk of Court using the CM/ECF filing system and served via email and first-class mail, postage prepaid, to the following:

Mr. Terrance Hall
Mrs. Lisa Hall
7621 Wilhelm Avenue
Baltimore, MD 21237
Email: Ross_c1933@yahoo.com

Pro-Se Defendants

/s/ Veronica J. Mina

Veronica J. Mina (D. Md. Bar No. 30472)